

Official Proceedings

December 4th, 2012
8:00 am

Chairman Zander called the meeting of the Stark County Board of Commissioners to order. All members present.

Chairman Zander asked for any additions to the agenda. Comm. Elkin added Richardton-Taylor Ambulance. Comm. Hoff added Zoning. Comm. Hoff moved to approve the agenda with the additions. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Kuntz moved to approve the minutes from the November 6th, 2012 meeting with the changes of Christmas Eve to Christmas Eve Day. Comm. Wolf seconded. All voted Aye and the motion carried.

Comm. Elkin moved to accept the accounts payable as presented plus the supplement. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

General: Payroll: \$179,794.49; NDPers: \$41,010.41; Jay Elkin: \$1,408.03; Russ Hoff: \$1,180.48; Institute of Local Government: \$240.00; Doreen Altenburg: \$330.00; Joann Heiser: \$337.50; Marianne Hoffman: \$187.50; Kay Mikkelsen: \$255.00; Sharon Runcorn: \$330.00; Rose Senn: \$330.00; Linda Gingery: \$70.00; State Board of Examiners: \$1,140.00; James Hope: \$250.00; Matthew Bender: \$93.89; West Payment Center: \$1,256.38; Dakota Water Treatment: \$41.50; SBM Inc: \$2,787.40; Walmart: \$430.74; Xerox Corporation: \$1,214.52; Midwest Doors: \$165.00; Consolidated: \$863.27; MDU: \$2,943.78; Roughrider Electric: \$150.00; Southwest Water Authority: \$43.35; Maintenance Management: \$1,190.00; Border State Electrics: \$19.61; Braun Distributing: \$369.82; City Air Mechanical: \$560.80; Duraclean Cleaning: \$1,837.40; Electric Sales & Service: \$193.95; Etsystems Inc: \$313.75; Jerome Distributing: \$20.90; Mann's Plumbing: \$2,460.70; Newby's Ace Hardware: \$120.97; Northern Iron Fireman: 1,262.77; City of Dickinson: \$10,942.58; Badlands Activity Center: \$200.00; Dan's Supermarket: \$181.87; Election Systems: \$3,235.94; One Stop Rental: \$100.00; T-Rex Conoco Inc: \$1,564.49; Dickinson Press: \$2,280.12; Newspaper Association: \$197.10; Secretary Of State: \$8,172.83; Maus & Nordsvan: \$697.00; Ottmar & Ottmar: \$255.00; Cenex Fleetcard: \$5,257.34; Farmers Union Oil of Bis/Man: \$2,595.03; Farmers Union of Richardton: \$262.20; Visa: \$58.50; AT&T Mobility: \$806.96; Century Link: \$487.00; US Postal Service: \$265.65; Gaffaney's Floral: \$44.00; Richland County Auditor: \$63.96; Service Printers: \$171.15; Unlimited Office: \$3,830.02; AED Everywhere: \$171.00; Office Max: \$477.76; Pitney Bowes: \$687.36; ND Youth Correctional Center: \$2,787.75; ND Dept of Trust Lands: \$30.00; Dickinson Parks: \$49.92; DJ's Tesoro: \$55.96; Chief Supply: \$629.28; Best Western Doublewood Inn: \$267.00; Expressway Inn: \$641.90; NDPOA: \$180.00; SW Crime Conference: \$100.00; Great Plains Clinic: \$131.00; Advanced Business: \$141.22; Superior Cleaner: \$51.00; Wanner Western Wear: \$268.22; Dickinson Collision Center: \$250.00; Dickinson Tire: \$1,038.29; Electronic Communications: \$863.00; Just In Glass: \$251.37; Light And Siren: \$176.00; Midas

Auto Service: \$498.94; Pro Tint: \$690.00; R & J Communications: \$150.00; Sax Motor Company: \$188.92; Wex Bank: \$1,071.81; Balco Uniforms: \$1,497.98; Dickinson Ambulance: \$200.00; CMI Inc: \$192.02; Intoximeters: \$320.00; Taser International: \$402.45; Ultramax: \$1,120.00; LEC Maintenance: \$8,747.37; Stark County Auditor (Federal Deposit) \$514.06; Verizon Wireless: \$40.01; Professional Printing: \$50.00; Total Safety US: \$160.54; Advanced Business Methods: \$25.70; Dickinson Area Chamber of Commerce: \$2,050.00; Roosevelt – Custer Regional Council: \$702.00;

10 Mill: ND Department Of Transportation: \$5,838.02

County Road: Kadrmas Lee & Jackson: \$104,566.82; Jurgens Trucking: \$4,082.50; Martin Construction: \$5,117.50; Northern Improvement: \$654,495.86; Butler Machinery: \$6,743.89; Retriever LLC: \$28,410.00; Roughrider Electric: \$1,584.00; AT&T Mobility: \$57.57; City Of Belfield: \$22.25; City Of Dickinson: \$270.66; Consolidated: \$44.01; MDU: \$861.57; Southwest Water Authority: \$47.61; City Of Richardton: \$54.90; Dale Chistman: \$75.00; Century Link: \$56.59; Belfield Automotive: \$88.29; Creative Energy: \$95.25; Locators & Supply: \$81.72; Newby's Ace Hardware: \$106.95; Prairie Auto Parts: \$101.25; Runnings Supply: \$662.49; Traffic Safety: \$125.00; Kohler Communications: \$7,704.00; Southwest Grain: \$55,062.07; Visa: \$534.09; Carquest: \$81.88; Dakota Filter Supply: \$602.98; Dakota Tool: \$122.00; Diamond Truck Equipment: \$2,000.90; Dickinson Supply: \$187.05; J & J Operating: \$114.96; JP Steel & Supply: \$499.29; Nelson International: \$523.65; NW Tire Inc: \$17,208.44; Parkway Ford: \$31.48; Road Equipment: \$2,638.45; Safelite Fulfillment: \$156.19; Trucks of Bismarck: \$714.93; Westlie Crossroads: \$52.08; ACME Electric Company: \$1,948.20; DTE Truck Equipment: \$285.00; Hedahls: \$46.74; Just In Glass: \$180.72; Certified Power Inc: \$5.41; Dakota Farm Equipment: \$356.14; Ray's Auto Electric: \$168.95; RDO Equipment Company: \$967.41; CRA Payment Center: \$287.20; ABC Diesel Inc: \$748.54; T-Rex Conoco: \$46.15; West Dakota Oil: \$3,403.37; General Steel: \$85.07; George's Tire Shop: \$756.00; Mac's Inc: \$165.32; Mid-West Doors: \$3.64; NSC Minerals: \$1,871.02; Pump Systems: \$96.65; Rummel Auto Wrecking: \$84.00; Energy Systems Inc: \$36.00; Lenny's Repair: \$93.20; Total Safety US: \$193.00; Val's Sanitation: \$715.00; Fisher Sand & Gravel: \$1,269.20; Dennis & Donna Reich: \$38,893.75; Strata Corporation: \$991.20; Laker Chemical Inc: \$1,440.00; Team Laboratory: \$5,452.00; Lyle Signs Inc: \$122.39; Coca-Cola Bottling: \$36.00; Maintenance Management: \$200.00; NDLTAP: \$90.00; Oil Patch Hotline: \$69.00;

Highway Tax Distribution: Payroll: \$101,679.75; NDPers: \$39,292.74;

Social Welfare: Payroll: \$169,632.09; NDPers: \$39,774.34; ND Dept of Human Services: \$3,810.80; AT&T Mobility: \$67.47; Institute of Local Government: \$40.00; AmericInn: \$226.62; Emil Berard: \$760.00; Braun Distributing: \$181.92; Best Western Plus Seven Seas: \$69.30; City of Dickinson: \$180.45; Comfort Suites: \$207.00; Consolidated: \$753.32; Dakota Boys and Girls Ranch: \$295.90; Expressions By Ashton Photography: \$321.08; Carolyn Francis: \$287.80; Leo's Cabinetry: \$630.00; MDU: \$948.68; Newby's Ace Hardware: \$65.95; Rimrock Trailway: \$68.50; SBM Inc:

\$5,098.75; Sunrise Youth Bureau: \$821.25; Temp Rite Services: \$1,038.00; Walmart: \$262.51; Wrap Around checks: \$736.00; Ward County Social Services: \$1,505.19;

County Poor: ND Dept of Human Services: \$30,518.78;

IT – Computer/Updates: NDACO Resources: \$8,937.89; Consolidated: \$237.90; Archonix: \$607.75; Dell Marketing: \$2,112.11; Hewlett-Packard: \$4,545.03; Information Technology Dept: \$1,164.00;

Capital Improvement: PNC Equipment Finance: \$51,945.53; Kadrmas Lee & Jackson: \$1,165.69;

Park Board: Stark County Auditor: \$204.91;

Fair Board: Stark County Fair Board: \$157.13;

County Jail: SWMCCC: \$179,165.43; St. Joseph's Hospital: \$99.00;

Comp Health Care: NDPers: \$24,285.00; Blue Cross Blue Shield: \$189.40; Humana Insurance: \$475.20;

VSO Fund: Payroll: \$6,903.93; Quality Quick Print: \$385.90; SBM Inc: \$82.42; Veterans Information: \$50.00; Xerox Corporation: \$178.01;

Social Security: Stark County Auditor (Federal Deposit): \$33,500.72

Advertising: Dickinson Press: \$9.49; ND Newspaper Association: \$240.00;

County Agent: Payroll: \$5,405.56; NDPers: \$1,755.85; Holiday Inn Fargo: \$193.29; NDSU Extension: \$308.21; SBM Inc: \$694.78; Kurt Froelich: \$60.00; Samantha Roth: \$67.42; Consolidated: \$173.81; Advanced Business Methods: \$921.31; Gayle Pender Dukart: \$100.00; Deb Theurer: \$100.00;

Weed Control: Payroll: \$9,511.54; NDPers: \$2,643.46; NDACO: \$350.00; Kaye Jessen: \$40.63; NDWCA: \$100.00; Stark County Auditor (Federal Deposit): \$208.72;

9-1-1: Payroll: \$4,261.93; NDPers: \$1,527.51; Stark County Auditor (Federal Deposit): \$275.20; City of Dickinson: \$9,980.83; NDACO: \$450.00; Police Legal Sciences: \$1,320.00; Comfort Inn: \$138.00; Dickinson Press: \$544.00; Century Link: \$1,611.06; Consolidated: \$533.00; Reservation Telephone Coop: \$80.00; Lyle Signs Inc: \$2,484.00;

Adult Education: Dickinson Press: \$167.00; Jane Heth: \$11.50; NDSU Extension Pesticide Program: \$42.00; Dan's Supermarket: \$19.95; Walmart: \$24.94;

Asset Forfeiture: The Attic Sports: \$6,468.00;

Domestic Violence: State Treasurer: \$490.00;

Seatbelt Grant: Payroll: \$1,567.02;

Cops Grant 2011: Payroll: \$3,785.47; NDPers: \$889.40; Stark County Auditor (Federal Deposit): \$289.59;

Cops Grant 2009: Payroll: \$3,785.47; NDPers: \$889.40; Stark County Auditor (Federal Deposit): \$ 280.65;

Misc. Grants: Balco Uniforms: \$782.32;

Estimate Taxes: Justin Hoff: \$157.71;

Game And Fish: ND Game & Fish: \$33.00;

Security/Transfer DJS Reimb: Farmers Union Oil of Bis/Man: \$281.20;

SW Victim Witness Program: Payroll: \$5,075.22; NDPers: \$995.27; AT&T Mobility: \$100.00; SBM Inc: \$134.12; Consolidated: \$39.51; Verizon Wireless: \$829.99; Stark County Auditor (Federal Deposit): \$346.93;

Hazardous Chemical Prep: Dickinson Press: \$5.11;

DVRCC: Domestic Violence: \$762.50;

Preservation Fund: Consolidated: \$59.95;

State Reimbursements: Kent Mortenson: \$25.00; Aileen Paluck: \$25.00; Tom Grosz: \$25.00;

Siren Contingency: Roughrider Electric: \$443.00;

Other Reimbursements: Dickinson Collision: \$1,177.46; Inventory Trading Company: \$406.00; Consolidated : \$182.00; Dennis & Donna Reich: \$38,893.75; PNC Equipment: \$33,660.16; Pharmchem Inc: \$189.00; Loree Ivanets: \$30.00; Office of Attorney General: \$2,360.00;

Judgment Execution: AR Audit Service: \$4,515.56; Newman Signs: \$969.94; Stark County Sheriff's Dept: \$245.00;

911 Equipment: Consolidated: \$55.58;

Sheriff's Shooting Range: Ultramax: \$4,137.67;

Chairman Zander introduced Jon Cameron who will be representing Senator Hoeven's office and will be representing the Southwest Counties for the oil industry.

Sheriff Clarence Tuhy discussed that there was a typo in the 2013 budget for wages regarding a deputy position vs. an investigator position. Comm. Elkin requested further discussion at the December 27th meeting.

Comm. Elkin discussed a joint agreement with Billings County for a truck regulatory position. Billings County would hire for the position and Stark County would reimburse Billings County.

Al Heiser, Road Superintendent, gave an update on roads and discussed the traffic counters setup in the county.

Tim Kelly, Kadrmas, Lee & Jackson, gave the Engineers Report.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request from Richard Schmidt. The request was for a zoning change from Agricultural to Residential, Agricultural on a tract located in the SE4SE4 of Section 3, Township 140, Range 94 containing approximately 4.94 acres. Comm. Hoff moved to approve the Zoning Board's recommendation to approve the zoning change from Agricultural to Residential, Agricultural with the conditions set forth by Steve Josephson, County Planner, for Richard Schmidt. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request from Steven Procive and/or Megan Procive. The request was for a zoning change from Agricultural to Residential, Agricultural for a tract in the NW4 of Section 35, Township 140, Range 99 containing approximately 1.19 acres. Comm. Hoff moved to approve the Zoning Board's recommendation to approve the zoning change from Agricultural to Residential, Agricultural with the conditions set forth by Steve Josephson, County Planner, for Steven Procive and/or Megan Procive. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request from Robe Viera, c/o Verizon Wireless. The request was for a Conditional Use Permit for a 269 foot telecommunications tower on a tract located in the NE4 of Section 10, Township 139, Range 98 containing approximately 160 acres. Comm. Hoff moved to approve the Zoning Board's recommendation to approve the Conditional Use Permit with the conditions set forth by Steve Josephson, County Planner, for Steven Rob Viera, c/o Verizon Wireless. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve the request from Brent and Sarah Boltz. The request was for a zoning change from Agricultural to Residential, Agricultural on a tract located in the S2NW4 of Section 25, Township 139,

Range 96 containing approximately 20 acres. Comm. Hoff moved to approve the Zoning Boards recommendation to approve the zoning change from Agricultural to Residential, Agricultural with the conditions set forth by Steve Josephson, County Planner, for Brent And Sarah Boltz. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Wolf moved to authorize Chairman Zander to sign a Quit Claim Deed from Stark County to Carol Degenstein, Susan Klein, Russ Kostelecky, Tim Kostelecky, Doreen Wheeler, Mary Zastoupil, Mike Kostelecky and Jeff Kostelecky, for a small piece of land that was omitted in the original deed. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Elkin moved to authorize Chairman Zander to sign the Maintenance Certification and Resolution for Project BRO-0045(042). Comm. Kuntz seconded. All voted Aye and the motion carried.

Comm. Hoff moved to adopt the revision for the Family Medical Leave Act. The revision is as follows; The method used to calculate a leave year will be the 12 month period measured forward from the date the employee first takes FMLA leave. This method entitles an employee to 12 weeks of leave during a year that begins on the first day FMLA leave is taken. After completion of 12 months from that date, the next 12 month period begins the next time FMLA is used. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Kay Haag presented the 2013 Beer and Liquor License renewals for Lefor Columbus Club, The 19th Hole, County Line Truck Stop, St. Pius Verein and Assumption Abbey. Comm. Elkin moved to approve the 2013 Beer and Liquor License renewals. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Auditor Kay Haag reported two of the four delinquent tax properties sold at auction. The following sold; Lot 22 Block 4 St. Elizabeths, Lefor, ND for \$1300.00 and Lots 6, 7 Block 2 O'Connors, Belfield, ND for \$6,000.00. The unsold properties are; Lots 23 N2, 24 Block 13 O'Connors, Belfield, ND and Lot 1 Block 20 O'Connors Resurvey, Belfield, ND. Comm. Wolf moved to sell the two properties the Auditor described to the City of Belfield for \$50.00 per parcel. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Stark County received three infrastructure school funds requests from Richardton-Taylor School, Dickinson School and South Heart School. Funds available for 2013 are \$91,875.00. Comm. Elkin suggested we wait to act on it until December 27th meeting so Belfield School has time to submit an application.

Comm. Wolf moved to authorize Chairman Zander to sign an Access Easement from Stark County to Brian Neurohr. Comm. Elkin seconded. All voted Aye and the motion carried.

Auditor Kay Haag presented a Court Facilities Improvement Grant. The grant pays 75% (\$14,096.25) and Stark County pays 25% (\$4,698.00). Comm. Hoff moved to authorize Chairman Zander to sign the Court Facilities Improvement Grant. Comm. Kuntz seconded. All voted Aye and the motion carried.

The budget variance meeting will be held on December 27th.

Paul Hopfauf gave an update on the diesel plant. The land has been purchased, an engineering study has been conducted, the air quality permit has been filed and public comment by the end of the month. Projecting a mid 2014 startup date.

Comm. Kuntz moved to reappoint Dr. Amy Oksa to a five year term on the SW District Health Unit Board. Comm. Wolf seconded. All voted Aye and the motion carried.

Stark County Housing Authority Board has a vacant position that needs to be filled.

Badlands Human Service Center Board has a vacant position that needs to be filled.

Comm. Hoff moved to reappoint Chairman Zander to a five year term on the SW District Health Unit Board. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Wolf moved to reappoint Chairman Zander, Ron Lisko, Linda Steve and Leo Schneider to a three year term on the Stark County Jobs Development Board.

Comm. Hoff moved to appoint Comm. Kuntz to a five year term on the Stark County Housing Authority Board. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Elkin moved to adopt the amended version of the cell phone policy. The amended version states that personal use of cell phones which results in billable charges must be reimbursed to Stark County and reimbursement for personal cell phones used for work will be \$35.00 per month. Comm. Hoff seconded. Roll call Vote. All voted Aye and the motion carried.

Meeting recessed at 9:00 am for Park Board Meeting.

Meeting reconvened at 10:40 am.

Rod Landblom, Roosevelt-Custer Regional Council, provided an overview of the revised Zoning Code.

Roger Cymbaluk, representing Halliburton, discussed a section line closing in Richardton.

Comm. Wolf moved to donate \$16,000.00 from the General Fund to the Richardton-Taylor Ambulance for a compression device. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Discussion was held regarding South Heart Policing terminating their agreement with Stark County. States Attorney Tom Henning will draft a letter to the City of South Heart advising their responsibility, which will be signed by Sheriff Clarence Tuhy.

Steve Josephson, County Planner, discussed crew camp fees and farmstead building permit requirements.

The following **Miscellaneous Receipts** were filed: General: \$124,452.06; County Road: \$185,498.18; Highway Tax Distribution: \$289,518.35; Social Services: \$77,308.85; IT-Computer/Updates: \$2,108.29; Capital Improvement: \$127,887.49; County Park: \$170.22; Insurance: \$21.00; Social Security: \$2,220.24; Weed Control: \$2,960.59; 911 Revenue: \$20,596.57; Adult Education: \$33.29; Fingerprint Station: \$312.00; Domestic Violence: \$210.00; Estimate Tax: \$8,059.52; Game and Fish: \$51,925.00; Security/Transfer DJS Reimb: \$139.12; SW Victim Witness Program: \$3,532.50; Hazardous Chemical Prep: \$637.50; Domestic Violence & Rape Crisis Center: \$762.50; Preservation Fee: \$19,064.75; Other Reimbursements: \$75,597.91; Judgment Execution: \$5,730.75; 911 Equipment: \$6,866.25;

Comm. Hoff moved to adjourn. Comm. Wolf seconded.

Kay Haag, Auditor

Ken Zander, Chairman